

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated May 24, 2010. Reconsideration and allowance of the application in view of the remarks to follow are respectfully requested.

Claims 1-22 are pending in the Application. Claims 1, 8, 9, 11, 15, 19, 21 and 22 are independent claims. Claims 19, 21, and 22 are canceled herein without prejudice.

Claims 1-22 are rejected on the ground of nonstatutory obviousness-type double patenting over claims of co-pending Application No. 10/523,380. In response, Applicants point out that claims 3-22 of the co-pending application recite "inheriting properties of higher level device types on which the subsidiary device type depends". In the present application this recitation is found only in dependent claims 3, 10, and 12. Thus, claims of the present application are patentably different from the claims of the co-pending application because they do not include at least this element. Moreover, if at the end of prosecution of both applications, any claims will remain patentably indistinct, the Applicants will file a disclaimer of terms of such claims.

Claims 18-20 are rejected under 35 U.S.C. §101 for non-statutory subject matter. In response, claim 19 is canceled and claims 18 and 20 are amended in accordance with the Examiner's suggestions.

Claims 1-7 and 15-18 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 7,684,438 to Stepens et al. ("Stepens") in view of U.S. Patent Publication No. 2002/0029256 to Zintel ("Zintel") and in further view of Official Notice. Claims 8-14, 19, and

20 are rejected under 35 U.S.C. §103(a) over Stephens in view of Zintel. Claims 21 and 22 are rejected under 35 U.S.C. §103(a) over Zintel in view of U.S. Patent No. 7,603,408 to McGinnis et al. ("McGinnis"). Applicants respectfully traverse the above listed rejections and submit that claims 1-22, as amended, are patentable over Stephens in view of Zintel and McGinnis for at least the following reasons.

In the present application at page 13, lines 20 to 24, the specification describes a hierarchical classification of devices, in which the device type identifies the device within a hierarchy. Thus, a controller knows that it is able to control a device, even if the device was developed after the manufacture of the controller, when the device type of the device is derived from an appropriate point within the hierarchy of device types.

Claim 1 as amended recites "the device types forming a predetermined hierarchy including any number of subsidiary device types depending on at least one of another subsidiary device type and at least one basic device type" as was previously recited in claim 3.

It is undisputed that Stephens fails to teach the device types as now recited in claim 1. See pages 9, 10, and 19 of the Office Action relating to the rejections of claims 3, 10, and 12. In rejecting pertinent portion of claims 3, 10 and 12, the Office Action references Zintel, paragraph [0135]. Zintel describes a Device Model that includes Devices and Services schema and hierarchy (paragraph [0135]) and that the top-most Device in a hierarchy of nested Devices 203-205 is called the Root Device 202 (paragraph [0152]), however, nothing in Zintel teaches, discloses, or suggests "the device types forming a

predetermined hierarchy including any number of subsidiary device types depending on at least one of another subsidiary device type and at least one basic device type" as recited in claim 1. As claimed, the subsidiary device types may depend on the basic device types or on another subsidiary device type and a basic device type. No discussion of device type dependence is provided in Zintel.

It is respectfully submitted that claim 1 is not anticipated or made obvious by the teachings of Stepens in view of Zintel and McGinnis. For example, Stepens in view of Zintel and McGinnis does not teach, disclose or suggest, amongst other patentable elements, (illustrative emphasis added) "requesting a simple device description for each discovered second device for which the simple device description is required and receiving from the second device a simple device description message of a defined length, the message including the device type of the second device, the device types forming a predetermined hierarchy including any number of subsidiary device types depending on at least one of another subsidiary device type and at least one basic device type; and requesting an extended device description from each second device for which the extended device description is required when the simple device description indicates that the extended device description is available, and receiving from the second device the extended device description message of variable length" as recited in claim 1, and as similarly recited in each of claims 8, 9, 11, and 15.

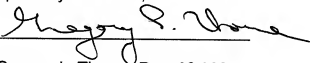
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 8, 9, 11, and 15 are patentable and notice to this effect is earnestly solicited. Claims 2-7,

10, 12-14, 16-18 and 20 respectively depend from one of the independent claims and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position, or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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